

Pentagon's 'Stop-Loss' Policy Upheld

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By OCE Public Information Office

A three-judge panel of the Ninth Circuit Court of Appeals today rejected an appeal by a soldier seeking to challenge the Pentagon's "stop-loss" policy. Following oral arguments this morning in Seattle, the panel issued the following two-sentence notice:

"The appellant's urgent motion for injunction pending appeal, which seeks to enjoin his deployment to Afghanistan, is DENIED.

"The judgment of the District Court is AFFIRMED. An opinion or opinions will follow in due course."

The notice was posted on the Court of Appeals web site, www.ca9.uscourts.gov.

The appeal was brought by Army Sgt. Emiliano Santiago against Defense Secretary Donald Rumsfeld and others. The Oregon man had two weeks left on an 8-year contract when he was ordered to Afghanistan for a year-plus deployment.

The panel consisted of Senior Circuit Judge William C. Canby of Phoenix, and Circuit Judges Richard C. Tallman of Seattle and Johnnie B. Rawlinson of Las Vegas. The case originally was heard by Senior District Judge Owen M. Panner of Portland.

Oral arguments were heard during a special sitting at the University of Washington School of Law's Magnuson/Jackson Moot Courtroom in William H. Gates Hall. The courtroom, which seats approximately 140 persons, was reportedly filled by interested citizens and law students. A video feed to an overflow courtroom also was employed.

The case drew extensive media coverage. The panel granted media requests to videotape the arguments. C-SPAN served as the pool camera, providing a feed to PBS's "NewsHour with Jim Lehrer" and to a local Seattle television station, King 5 News.